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RECKITT BENCKISER
GROUP PATENTS DEPTFrom the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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KH 11/5
CASE NUMBER
10942P1WO

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

06.05.2004

Applicant's or agent's file reference
10942P1 WO/JCM

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/00352

International filing date (day/month/year)
29.01.2003

Priority date (day/month/year)
30.01.2002

Applicant

RECKITT BENCKISER (UK) LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 10942P1 WO/JCM		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/00352	International filing date (day/month/year) 29.01.2003	Priority date (day/month/year) 30.01.2002	
International Patent Classification (IPC) or both national classification and IPC A61L9/01			
Applicant RECKITT BENCKISER (UK) LIMITED et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 28.08.2003		Date of completion of this report 06.05.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Jochheim, J Telephone No. +49 89 2399-8632	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/00352**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

22 as originally filed

1-21 filed with telefax on 05.01.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 21
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☒ no international search report has been established for the said claims Nos. 22
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	17-20
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB03/00352

Re Item V

Reasoned statement under **Article 35(2) PCT** with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents (D) are considered to be of relevance for the application; the numbering will be adhered to in the rest of the procedure:

- D1:** Derwent WPI; AN: 1986-295021(JP(A) 61216715)
- D2:** Derwent WPI; AN: 1993-308422(JP(A) 5220327)
- D3:** Derwent WPI; AN: 1985-299486(JP(A) 60206425)
- D4:** Derwent WPI; AN: 1996-008643(KR(B) 9402336)
- D5:** EP-A-1157672
- D6:** Derwent WPI; AN: 1990-213833(JP(A) 2144121)
- D7:** EP-A-0832686

(Not necessarily all documents are referred to in this communication, but may become of higher importance during the procedure. This does not exclude the possibility that also additional documents may be added to the list during the procedure.)

The following abbreviations in parentheses apply to this document: page (p), column (co), line (l), example (ex), claim (cl).

1. Article 33 PCT

1.1 Article 33(2) PCT (Novelty)

- 1.1.1** The subject-matter of **claims 1-16** is not explicitly disclosed by one single document of **D1-D7**. These claims do therefore **fulfill the requirements of Article 33(2) PCT**.
- 1.1.2** The subject-matter of **claims 17-20** is entirely anticipated by document **D1**. These claims **do therefore not fulfill the requirements of Article 33(2) PCT**.

1.2 Article 33(3) PCT (Inventive Step)

- 1.2.1 Document **D1** discloses a drying component comprising a packing which is made of moisture permeable and waterproof seat and a composition inside said packing comprising CaCl_2 , starch, and zeolite (see Derwent Abstract).

D1 differs from present claims 1 and 2 only in the fact that **D1** does not disclose the use of the drying component in an article of footwear or a storage space within an article of furniture.

The objective problem to be solved is seen in providing a method of absorbing water vapour and of combatting malodour in articles of footwear or within storage spaces within an article of furniture.

Document **D5** is of the same field as **D1**, namely methods of containment of odour and liquid. In claim 6 **D5** discloses possible applications of the liquid and odour absorbent structure such as the containment of odour and liquid in refrigerators, cupboards, and shoes. According to claim 13 of **D5**, the absorbent structure comprises starch, zeolites, and mixtures thereof. The skilled person has thus a clear incentive to combine the teachings of **D1** with those of **D5** and by doing so would arrive at the solution of the problem posed without using inventive skill.

Therefore no inventive step can be acknowledged for the subject-matter of claims 1 or 2.

Claims 1 and 2 do therefore not fulfill the requirements of Article 33(3) PCT.

- 1.2.2 As for the remaining dependent claims 3-16, they do not fulfill the requirements of Article 33(3) PCT, because their subject-matter is either known from **D1** or **D2** or **D3** or **D4** or **D5** or they merely represent a choice among obvious design possibilities from which a person skilled in the art would choose without use of inventive skill in order to arrive at the solution of the problem posed or they do not add any unexpected effect over what is known from the prior art.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB03/00352

1.3 Article 33(4) PCT. (Industrial Applicability)

Claims 1-20 fulfill the requirements of Article 33(4) PCT.

Claims

1. A method of absorbing water vapour and of combating
malodour within a cavity, the method comprising the
5 step of introducing into the cavity a package
comprising a wall material which retains particulate
contents and is permeable to water vapour, the
contents comprising a dehumidifying compound, an
odour-combating compound, and a filler comprising
10 starch or a starch derivative or cellulose or a
cellulose derivative, wherein the cavity is the
interior of an article of footwear or a storage space
within an article of furniture.
- 15 2. A method of absorbing water vapour and of combating
malodour within a cavity, the method comprising the
step of introducing into the cavity a package
comprising a wall material which retains particulate
contents and is permeable to water vapour, the
20 contents comprising a dehumidifying compound, an
odour-combating compound, and a filler which acts as a
thickener or gelling agent for the water inside the
package, wherein the cavity is the interior of an
article of footwear or a storage space within an
25 article of furniture.
3. A method as claimed in claim 1 or 2, wherein the
contents further comprise a filler which is an
alkaline compound able to neutralise foot acids.
30
4. A method as claimed in claim 3, wherein said alkaline
compound is sodium bicarbonate.

5. A method as claimed in any preceding claim, wherein the dehumidifying compound is capable of absorbing at least its own weight of moisture.
- 5 6. A method as claimed in any preceding claim, wherein the dehumidifying compound is a water absorbing metal salt or oxide.
7. A method as claimed in claim 6, wherein the
10 dehumidifying compound is selected from calcium chloride and magnesium chloride.
8. A method as claimed in any preceding claim, wherein the dehumidifying compound is present in an amount of
15 at least 10wt% of the weight of the dry contents.
9. A method as claimed in any preceding claim, wherein the dehumidifying compound is present in an amount of no more than 95wt% of the weight of the dry contents.
20
10. A method as claimed in any preceding claim, wherein the odour-combating compound is a zeolite.
11. A method as claimed in any preceding claim, wherein
25 the odour-combating compound is present in an amount at least 0.5wt% of the weight of the dry contents.
12. A method as claimed in any preceding claim, wherein
30 the odour-combating compound is present in an amount of no more than 25wt% of the weight of the dry contents.

13. A method as claimed in claim 1 or 2, wherein the filler comprises starch or a starch derivative.
14. A method as claimed in any preceding claim, wherein
5 the filler constitutes at least 10wt% of the weight of the dry contents.
15. A method as claimed in any preceding claim, wherein
10 the filler constitutes no more than 80wt% of the weight of the dry contents.
16. A method as claimed in any preceding claim, wherein the contents further comprise a fragrance.
- 15 17. A package comprising a wall material which retains particulate contents and is permeable to water vapour, the contents comprising a dehumidifying compound, an odour-combating compound and a filler comprising starch or a starch derivative or cellulose or a
20 cellulose derivative, in admixture.
18. A package comprising a wall material which retains particulate contents and is permeable to water vapour, the contents comprising a dehumidifying compound, an
25 odour-combating compound and a filler which acts as a thickener or gelling agent for the water inside the package, in admixture.
19. A particulate composition comprising a dehumidifying
30 compound, an odour-combating compound, and a filler comprising starch or a starch derivative or cellulose or a cellulose derivative, in admixture.

20. A particulate composition comprising a dehumidifying compound, an odour-combating compound, and a filler which acts as a thickener or gelling agent for the water inside the package, in admixture.

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21. A method of absorbing water vapour and combating malodour within a cavity, or a package or particulate composition for the same purpose, substantially as described herein..

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